

III. REMARKS

Status of the Claims

In the amendment filed January 29, 2004, Applicant inadvertently substituted a set of claims that added new claims by "renumbering" the original claims.

In this amendment, Applicant has re-established the original claim numbering and order for claims 1-15. Claims 16-18 from the prior response are cancelled and claims 19-22 are new. Thus original 1-15 and new claims 19-22 are pending.

Summary of the Office Action

Claims 1,2,6,7,10,11,15, and 16 stand rejected under 35USC103(a) on the basis of the cited reference Kim I (WO97/41677). in view of the reference Lundquist, U.S. Patent no. 6,424,844. Claims 8,9,17 and 18 stand rejected under 35USC103(a) on the basis of the cited reference Kim I(WO97/41677) in view of the reference Lundquist and further in view of Kim II (WO98/19434. The Examiner is respectfully requested to reconsider his rejections in view of the following remarks. Claims 3 and 12 are indicated to contain patentable subject matter, if written in independent form.

The Invention

The invention of the applicant utilizes a touch screen-style structure fixed in the keypad structure. There is therefore only one mode of operation of the keypad of this invention and that is through the touch screen. It is the touch screen that generates the signals of the keypad. The touch screen is not available for direct use as in the cited art.

Discussion of the Cited References

The Examiner uses the Kim reference (WO 97/41677) as a bar to patentability in view of Lundquist. The Examiner, has characterized the disclosure of Kim I as follows:

"Regarding claim 1, Kim I discloses an electronic device, which comprises a least a keyboard (page 2, line 31 to page 3, line 10), which keyboard is arranged as a keyboard plate, characterized in that said keyboard also comprises a touch sensitive element (page 4, line 30 to page 5, line 2), that said keyboard plate is arranged as fixed over the touch sensitive element..."

This is not supported by the disclosure of Kim I. According to the description and drawings of Kim I, it is clearly described that the touch screen is, first of all, in the frame part of the device (page 2, beginning from line 33) and the key part is rotatably coupled to the frame part. Various embodiments of the keypad structure are presented, but the basic assumption and basic idea in all of them is that the key mat can be opened and closed on the touch screen, depending on the mode. The touch screen 12 is constructed for operation with or without the keypad 24 of cover panel 18. (see page 7, lines 22-25).

The same principle is applied by Lundquist, namely, the keypad is in the flip and the touch screen is underneath it, either protected or to be used directly, if the flip is open.

Even if these two structures (Kim and Lundquist) are combined, the result is a terminal in which the touch screen is in the frame part of the device and the mechanical keyboard is turned in a hinge-like manner as a flip onto or off the touch screen, and key signals can be used to generate certain control functions or the touch screen used directly.

There is no way to combine these two structures to obtain the present invention in which the idea is to use a fixed touch screen as the "basis" for the key structure which is not intended to be used as a mere touch screen at all. This structure is particularly advantageous when it is provided in the flip in the terminal, wherein it is possible to minimize the number of signals to be conveyed over the hinge of the flip.

The combination of disclosures of Kim I and Lundquist, therefore do not teach the subject invention. The addition of the teaching of Kim II does not remedy this deficiency.

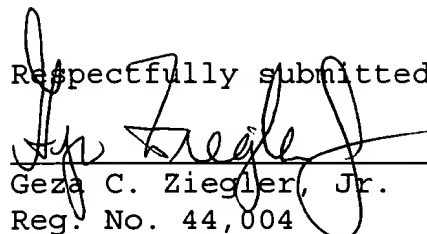
The above arguments are equally applicable to the rejected dependent claims.

SUMMARY

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$980.00 is enclosed for a 3 month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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7 December 2004
Date

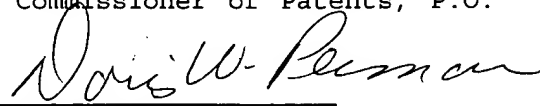
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